

JAN 18 2006

CATHY A. CATTERSON, CLERK
U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

GLEN BROEMER,

Plaintiff - Appellant,

v.

STATE OF CALIFORNIA; et al.,

Defendants - Appellees.

No. 04-57117

D.C. No. CV-03-09097-ER

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Edward Rafeedie, District Judge, Presiding

Submitted January 9, 2006^{**}

Before: HUG, O'SCANNLAIN, and SILVERMAN, Circuit Judges.

Glen Broemer appeals pro se from the district court's judgment dismissing his action alleging defendants conspired to contaminate his food to the detriment of his health and personal relationships. We have jurisdiction pursuant to 28 U.S.C. §

^{*} This disposition is not appropriate for publication and may not be cited to or by the courts of this circuit except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

1291. We review de novo the district court's sua sponte dismissal, *Omar v. Sea-Land Serv., Inc.*, 813 F.2d 986, 991 (9th Cir. 1987), and we may affirm on any ground supported by the record, *Wright v. Riveland*, 219 F.3d 905, 912 (9th Cir. 2000). We affirm.

The district court properly dismissed Broemer's action because his amended complaint did not contain a "short and plain" statement of the claims for relief as required by Fed.R.Civ.P. 8(a). *See Jones v. Cmty. Redev. Agency*, 733 F.2d 646, 649 (9th Cir. 1984). Moreover, given the nature of Broemer's allegations, amendment would be futile. *See id.* at 650-51.

Broemer's remaining contentions lack merit.

AFFIRMED.